

5:22-cv-406 (GLS/ML)

Civil Case No.:

CIVIL
RIGHTS
COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

Robert W. Johnson, Plaintiff(s)
vs.
Red Roof Inn, et al., Defendant(s)

Plaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

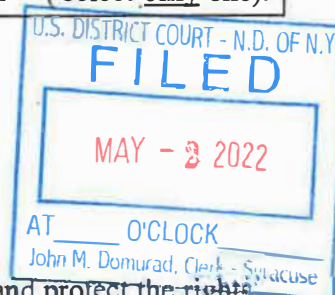
1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Robert W. Johnson
Address: 112 Court St. APT. 2
Watertown, NY 13601

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: Red Roof Inn #157
Official Position: Pro Se Corporation
Address: 6614 North Thompson Rd.
Syracuse, NY 13206
315-437-3309



b. Defendant:

Official Position:

Address:

Carlos Berna

Pro Se Corporation Employee

6614 North Thompson Road
Syracuse, NY 13206

315-437-3309

c. Defendant:

Official Position:

Address:

Jefferson County Dept. of Social Services

Pro Se Govt

250 Arsenal St.
Watertown, NY 13601

Additional Defendants may be added on a separate sheet of paper.

4.

FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

On 04/07/2022 M. Burns, Jefferson County Department of Social Services Teresa Gaffney, Deborah Labadini, The Workplace, Tracy Eveleigh, Kathy Hochul, Robert J. Rodriguez & Georgeann Stevenson authorized an action for Robert W. Johnson to receive assistance to meet an immediate need or a special

- d. Teresa Gaffney: Pro Se Govt. Employee; 250 Arsenal St.; Watertown, NY 13601.
- e. Deborah Labadini: Pro Se Govt. Employee; 250 Arsenal St.; Watertown, NY 13601.
- f. The Workplace: Pro Se Govt.; 250 Arsenal St.; Watertown, NY 13601.
- g. Tracy Eveleigh: Pro Se Govt. Employee; 250 Arsenal St.; Watertown, NY 13601.
- h. M. Burns: Pro Se Govt. Employee; 250 Arsenal St.; Watertown, NY 13601.
- i. Kathy Hochul: Pro Se Govt. Employee; State Capitol; Albany, NY 12224.
- j. Robert J. Rodriguez: Pro Se Govt. Employee; State Capitol; Albany, NY 12224.
- k. Georgeann Stevenson: Pro Se Govt. Employee; State Capitol; Albany, NY 12224.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause can be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response within the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

4. FACTS

allowance specifying that the above-said can assist with emergency housing if Robert W. Johnson finds a facility that will accept Robert W. Johnson and agency payment. On 04/26/2022 Robert W. Johnson was denied housing/shelter services by Red Roof Inn and no valid reasons were given after Robert W. Johnson presented the documents to receive housing/shelter services.

UNITED STATES DISTRICT COURT
For the
NORTHERN DISTRICT OF NEW YORK

Pro Se Notice

Court records indicate you have elected to pursue or defend an action in this Court without the assistance of an attorney. Although the Court Clerk's Office is here to assist you with your filings, it is important to note that, by statute, **Clerk's Office personnel are prohibited from giving legal advice.**¹

Clerk's Office personnel are not allowed to:

- Discuss the merits of your case or any specific claim or defense;
- Discuss the application of statutes, rules or case law to individual claims or defenses;
- Express an opinion on the validity of a claim or defense or the proper forum or jurisdiction in which you should bring your claims;
- Discuss the "best" procedure to accomplish a particular objective;
- Transmit any information to a Judicial Officer except as provided in the applicable statutes and local rules;
- Interpret the meaning or effect of any order, judgment or rules of the Court.

Clerk's Office personnel are allowed to:

- Give you basic case information contained within the public case file (for example, public documents filed and the dates they were filed, public scheduling notices, etc.);
- Show you the various Local Rules, General Orders or other publicly available statements of Court operations without giving you an interpretation of their meaning or effect;
- Provide you with Court-approved forms and guidance materials (for example, Pro Se Manual, Local Rules, General Orders, etc.). Court personnel can also provide guidance in filling out the form but cannot tell you what information you should provide on the form;
- Provide you with information regarding general deadlines and due dates without specific reference to your case. You are responsible for deadlines and due dates applicable to your case.

¹ Section 955 of Title 28 of the United States Code specifically precludes the Clerk and Deputy Clerks from practicing law in any Court of the United States.

5.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

M. Burns, Jefferson County Department of Social Services, Teresa Gaffney, Deborah Labadini, The Workplace, Tracy Eveleigh, Kathy Hochul, Robert J. Rodriguez & Georgeann Stevenson breached all contracts and responsibilities.

SECOND CAUSE OF ACTION

Red Roof Inn and Carlos Berna/ denied Robert W. Johnson housing/shelter with no valid reasons after Plaintiff presented contractual records for payment.

THIRD CAUSE OF ACTION

Robert W. Johnson was discriminated against by all defendants and denied Due Process Rights with no policy supported documents.

**ACTION TAKEN ON YOUR REQUEST FOR
ASSISTANCE TO MEET AN IMMEDIATE NEED OR A SPECIAL ALLOWANCE**

NOTICE DATE 04/07/2022		NAME AND ADDRESS OF AGENCY/CENTER OR DISTRICT OFFICE JEFFERSON COUNTY DSS HUMAN SERVICES BLDG 250 ARSENAL ST STE 2 WATERTOWN, NY 13601	
CASE NUMBER P138940	CIN NUMBER CR05904Q		
CASE NAME (And C/O Name if Present) AND ADDRESS JOHNSON ROBERT 112 COURT STREET APT 2 WATERTOWN NY 13601		GENERAL TELEPHONE NO. FOR QUESTIONS OR HELP	(315) 785-3000
		OR Agency Conference	(315) 785-3000
		Fair Hearing Information and Assistance	(315) 785-3000
		Record Access	(315) 785-3000
		Legal Assistance Information	(877) 777-6152
OFFICE NO.	UNIT NO. TM2	WORKER NO. 59	UNIT OR WORKER NAME M. BURNS
			TELEPHONE NO. (315) 785-3298

1

On 04/07/2022 you asked for help with:

☐ A special need of:☒ An immediate need of: ASSISTANCE WITH HOMELESSNESS☒ We will help you by:☒ Meeting your need in the following way: AGENCY CAN ASSIST WITH EMERGENCY HOUSING IF YOU FIND A FACILITY THAT WILL ACCEPT YOU AND AGENCY PAYMENT.☐ Doing the following, since this is not a need of yours that must be met today:☐ If this box is checked, you are responsible for repaying _____ as shown:☐ This amount must be repaid to us in accordance with the agreement to repay which you signed on _____☐ You must repay the amount that is more than the DSS shelter maximum of _____ for your family size of _____ for each month of arrears that DSS agreed to pay.☐ We cannot help you because:

The LAW(S) AND/OR REGULATION(S) which allows us to do this is 358.1

☐ This is a follow-up to our notice to you dated:

2

On _____ you asked for help with:

☐ A special need of:☐ An immediate need of:☐ We will help you by:☐ Meeting your need in the following way:☐ Doing the following, since this is not a need of yours that must be met today:☐ If this box is checked, you are responsible for repaying _____ as shown:☐ This amount must be repaid to us in accordance with the agreement to repay which you signed on _____☐ You must repay the amount that is more than the DSS shelter maximum of _____ for your family size of _____ for each month of arrears that DSS agreed to pay.☐ We cannot help you because:

The LAW(S) AND/OR REGULATION(S) which allows us to do this is

☐ This is a follow-up to our notice to you dated:

3

On _____ you asked for help with:

☐ A special need of:☐ An immediate need of:☐ We will help you by:☐ Meeting your need in the following way:☐ Doing the following, since this is not a need of yours that must be met today:☐ If this box is checked, you are responsible for repaying _____ as shown:☐ This amount must be repaid to us in accordance with the agreement to repay which you signed on _____☐ You must repay the amount that is more than the DSS shelter maximum of _____ for your family size of _____ for each month of arrears that DSS agreed to pay.☐ We cannot help you because:

The LAW(S) AND/OR REGULATION(S) which allows us to do this is

☐ This is a follow-up to our notice to you dated:

Note: If you are being approved for a special allowance to meet expenses (such as transportation) necessary to attend education or training programs, this allowance may vary based on your actual attendance in the program. If you do not meet a satisfactory attendance standard or make satisfactory progress in the program, this allowance may be withheld. If your allowance changes, you will get a separate notice telling you this and explaining why.

Public Assistance - If you are also applying for public assistance, you will also get a separate notice from us telling you of the decision on your application. If you are getting public assistance and your request for more help is denied, your ongoing public assistance case will not be affected.

Supplemental Nutrition Assistance Program (SNAP) - If you get assistance, your household's SNAP benefits may change. If your benefits are changed, you will get a separate notice telling you this and explaining why.

MEDICAL ASSISTANCE

☐ If you need help with your medical bills, you must apply separately for medical assistance. If you want more information about eligibility for medical assistance, call the phone number listed above.

☒ Your medical assistance coverage stays the same.

☐ Your application for medical assistance is being reviewed. We will send you our decision within 30 days.

REGULATIONS REQUIRE THAT YOU IMMEDIATELY NOTIFY THIS DEPARTMENT OF ANY CHANGES IN NEEDS, INCOME, RESOURCES, LIVING ARRANGEMENTS OR ADDRESS

Enclosure YOU HAVE THE RIGHT TO APPEAL THIS DECISION - BE SURE TO READ THE BACK OF THIS NOTICE ON HOW TO APPEAL THIS DECISION

DISTRIBUTION:

White - CLIENT/FAIR HEARING COPY

Yellow - CLIENT COPY

Pink - AGENCY COPY

NAME: JOHNSON ROBERT	ADDRESS: JOHNSON ROBERT 112 COURT STREET APT 2 WATERTOWN NY 13601	CASE NUMBER: P138940
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CONFERENCE AND FAIR HEARING SECTION - DO YOU THINK WE ARE WRONG?

If you think our decision was wrong, you can ask for a review of our decision. We will correct our mistakes. You can do both 1 and 2:

1. Ask for a meeting (conference) with one of our supervisors;
2. Ask for a State fair hearing with a State hearing officer.

The Office of Temporary and Disability Assistance (OTDA) policy issuances and manuals are posted on the OTDA website at otda.ny.gov/legal. These issuances and manuals are available to you or your representative to determine whether a fair hearing should be requested or to prepare for a fair hearing. In addition, upon request to your local social services district, specific OTDA policy issuances and manuals will also be available to assist you or your representative.

1. **CONFERENCE** (Informal meeting with us) If you think our decision was wrong, or if you do not understand our decision, please call us to set up a meeting. To do this, call the conference phone number on the front of this notice or write to us at the address on the front of this notice. Sometimes this is the fastest way to solve any problem you may have. We encourage you to do this even when you have asked for a fair hearing.
2. **STATE FAIR HEARING** - You have the following number of days from the date of this notice to ask for a fair hearing:

BENEFIT AREA	TIME LIMIT
Public Assistance, Medical Assistance, Social Services	60 days
SNAP Benefits	90 days

If this notice is telling you that you must repay Public Assistance because you signed a repayment agreement, or because the shelter arrears that DSS agreed to pay is more than the DSS shelter maximum, and if you do not agree that you must repay or you do not agree with the amount DSS says you must repay, you must call for a fair hearing. If you do not call for a fair hearing, you cannot claim in the future that any agency's decision that you owe the debt was wrong. The time limit for calling for a fair hearing on the issue of the repayment is the same as the limit for any Public Assistance action this notice is telling you about, 60 days.

HOW TO ASK FOR A FAIR HEARING: You can ask for a fair hearing by mail, by phone, by fax or online.

Mail: Send a copy of this notice completed to the Office of Administrative Hearings, New York State Office of Temporary and Disability Assistance, P.O. Box 1930, Albany, New York 12201. Please keep a copy for yourself.

- ☐ I want a fair hearing. I do not agree with the agency's action. (You may explain why you disagree below, but you do not have to include a written explanation.)

Phone: 800-342-3334 (PLEASE HAVE THIS NOTICE WITH YOU WHEN YOU CALL).

Fax: Fax a copy of the front and reverse of this notice to: (518) 473-6735 or

Online: Complete an online request form at: <http://www.otda.ny.gov/oa/forms.asp>

If you cannot reach the New York State Office of Temporary and Disability Assistance by phone, by fax or online, please write to ask for a fair hearing before the deadline.

WHAT TO EXPECT AT A FAIR HEARING:

The State will send you a notice that tells you when and where the fair hearing will be held.

At the hearing, you will have a chance to explain why you think our decision is wrong. You can bring a lawyer, a relative, a friend or someone else to help you do this. If you cannot come yourself, you can send someone to represent you. If you are sending someone who is not a lawyer to the hearing instead of you, you must give this person a letter to show the hearing officer that you want this person to represent you at the hearing.

At the hearing, you and your lawyer or other representative will have a chance to explain why we are wrong and a chance to give the hearing officer written papers that explain why we are wrong.

To help you explain at the hearing why you think we are wrong, you should bring any witnesses who can help you. You should also bring any papers you have, such as: pay stubs, leases, receipts, bills, doctor's statements.

At the hearing, you and your lawyer or other representative can ask questions of witnesses which we bring or which you bring to help your case.

IF YOUR SITUATION IS EXTREMELY SERIOUS, THE STATE WILL ATTEMPT TO PROCESS YOUR REQUEST FOR A FAIR HEARING AS QUICKLY AS POSSIBLE. IF YOU CALL TO REQUEST A FAIR HEARING, PLEASE BE PREPARED TO EXPLAIN YOUR SITUATION TO THE PERSON WHO ANSWERS THE PHONE. IF YOU WRITE, FAX OR CONTACT US ONLINE INSTEAD, PLEASE BE SURE TO EXPLAIN YOUR SITUATION.

LEGAL ASSISTANCE: If you think you need a lawyer to help you with this problem, you may be able to get a lawyer at no cost to you by contacting your local Legal Aid Society or other legal advocate group. For the names of other lawyers, check your Yellow Pages under "Lawyers".

ACCESS TO YOUR FILE AND COPIES OF DOCUMENTS: To help you get ready for the hearing, you have a right to look at your case file. If you call or write to us, we will provide you with free copies of the documents from your file that we will give to the hearing officer at the fair hearing. Also, if you call, write or fax to us, we will provide you with free copies of other documents from your file that you think you may need to prepare for your fair hearing. To ask for documents or to find out how to look at your file, call us at the Record Access phone number on the front of this notice or write to us at the address on the front of this notice.

If you want copies of documents from your case file, you should ask for them ahead of time. They will be provided to you within a reasonable time before the date of the hearing. Documents will be mailed to you only if you specifically ask that they be mailed.

INFORMATION: If you want more information about your case, how to ask for a fair hearing, how to see your file, or how to get additional copies of documents, call us at the phone numbers on the front of this notice or write to us at the address on the front of this notice.

Grey Area for Agency
Use Only

**Violations on
Property?**

☐ Yes ☐ No

If yes, check one:

☐ Stop Rent

☐ Unfit

1. SHELTER DESCRIPTION

Tenant Name: _____

Address: Street: _____ Apt: _____

City: _____ County: _____ ZIP: _____

Dwelling Type: ☐ SHA Public Housing ☐ Facility and # of Bedrooms: _____

☐ Apartment ☐ House ☐ Trailer ☐ Hotel/Motel Room ☐ Other: _____

☐ Room & Board (meals included) ☐ Commercial Rooming House – Are meals included? ☐ Y ☐ N

☐ Room in private home (no meals) - Is any part of rent used by landlord for heat/utilities? ☐ Y ☐ N

☐ New Move
☐ Add Individual
☐ Rent Increase
☐ Other:

2. PERSONS RESIDING AT ABOVE ADDRESS/HOUSEHOLD COMPOSITION

Date Tenant Moved In or Will Move In: _____

Name(s) of Person(s) Responsible for Paying Rent: _____

Name(s) of Any Other Person(s) Paying Rent: _____

List All Persons Living at this Address: **Total Number of Persons:** _____

Names: **Relationship to Tenant:** **Date Moved In:**

Use back side if more space is needed to list household members.

Is the landlord related to anyone listed above? ☐ Yes ☐ No Relationship: _____

Does the landlord live in the same apartment/rental unit as the tenant? ☐ Yes ☐ No

Was a Cash Security Deposit paid by the tenant? ☐ Yes ☐ No If Yes, Amount Paid: _____

Are you requesting a DSS Security Deposit Agreement? ☐ Yes ☐ No For more information see _____

Renting to a TA Client at: <http://www.ongov.net/dss/temporaryassistance.html>

**"Reference Icon"
checked for Street
listing?**

☐ Yes ☐ No

☐ Tenant of
Record Verified
Name::

☐ WMS Clearance
checked For all NTA
HH members.

Contribution
Statement needed?

☐ Yes ☐ No

3. SHELTER EXPENSES

☐ Fuel Type Verified

Fuel Vendor Name:

Customer of Service:

Heat/Utility Acct. #:

Owner verified through
ONGOV.net

Owner name:

Amount of total monthly rent: \$ _____

Is Rent Subsidized? ☐ Yes ☐ No

Subsidy Amt: \$ _____

Tenant's Share: \$ _____

Is rent paid up-to-date? ☐ Yes ☐ No

If no, for what month(s) does
the tenant owe? _____

Amount of rent owed: \$ _____

This is for informational purposes only. DSS does not
guarantee money owed for back rent.

Landlord requires tenant agree to rent voucher up to maximum grant ☐

Check which of the following are included in the rent:

☐ Heat ☐ Air Conditioning ☐ Stove ☐ Refrigerator ☐ Water/Sewer ☐ Electricity

☐ Cooking Fuel ☐ Garbage Collection ☐ Hot Water ☐ Furniture ☐ Other: _____

If heat is not included in the rent, check the fuel type used and indicate the vendor: ☐ Oil

☐ Natural Gas ☐ Kerosene ☐ Wood ☐ Electricity ☐ Propane ☐ Coal Vendor: _____

If non-heating utilities are not included in the rent, indicate the type of utilities and the vendor:

☐ Electricity: _____ ☐ Cooking Gas: _____ ☐ Water: _____

Does the tenant pay you an amount, separate from the rent, for: heat? ☐ Y ☐ N Amount: \$ _____

Other non-heating utilities? Amount: \$ _____ Water? ☐ Y ☐ N Amount: \$ _____

Does anyone from outside of the household pay all or any part of the rent, fuel or utilities? ☐ Y ☐ N

If yes, please explain: _____

Does anyone perform any services for you for which he/she receives a lower rent? ☐ Y ☐ N

4. LANDLORD/OWNER

If anyone other than the Property Owner, you **MUST** supply a copy of the Management Agreement, LLC, Trust or other authorizing paperwork outlining who is authorized to sign and receive rents. The LL Statement will not be processed without this information.

Landlord Name (Please print): _____ Day Phone #: _____

Address: _____

Vendor ID: _____ For tax purposes a W-9 faxed to #435-3590 is required to obtain a Vendor #.

Owner of Property (If different from above): _____

Address: _____ Day Phone #: _____

Signature of Landlord: _____ Date: _____

Collateral Contact

Date: _____

Worker name:

Case #:

6. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

\$100,000,000.00 for punitive damages; 100%
Ownership of Red Roof Inn; All other reliefs
Just & Proper.

I declare under penalty of perjury that the foregoing is true and correct.

DATED:

04/29/2022

Robert W. Johnson
Robert W. Johnson
Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/2010